

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. S-97-0383 WBS
CV NO. S-10-2648 WBS

v.

ORDER

JORGE LUIS-SALGADO,

Defendant.

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Defendant Jorge Luis-Salgado was sentenced in this action on March 18, 1998. His conviction was affirmed by the Ninth Circuit on May 18, 1999. His first petition for relief under 28 U.S.C. § 2255 was filed on January 24, 2000, and was denied by this court on September 27, 2000. He was given a certificate of appealability by this court on November 2, 2000, and on October 25, 2001, the Ninth Circuit affirmed this court's order denying his petition.

Presently before this court is a second petition from Luis-Salgado for relief under § 2255. Before a defendant may proceed with a second or successive motion under § 2255, he must

1 receive a certification from the Court of Appeals pursuant to the
2 provisions of 28 U.S.C. § 2244. 28 U.S.C. § 2255(h). Because it
3 does not appear that Luis-Salgado has obtained such a
4 certification, his present petition must be dismissed.

5 IT IS THEREFORE ORDERED that defendant Jorge Luis-
6 Salgado's petition for relief pursuant to 28 U.S.C. § 2255, filed
7 September 27, 2010, be, and the same hereby is, DISMISSED.

8 DATED: October 1, 2010

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10 WILLIAM B. SHUBB

11 UNITED STATES DISTRICT JUDGE

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